fees for said additional claims are due, and PTO procedure is to send a notice that an additional fee is due. This has not yet occurred. Apparantly the Preliminary Amendment was not seen as it was not filed as a separate paper. A call was placed to the Examiner several days ago who said she would look into the matter, and hopefully this matter will be addressed as quickly as possible.

REMARKS

1. The claims had been renumbered by the Requirement for Restriction.
2. The Examiner has apparantly repeated from her computer word processor the Requirement for Restriction, which was responded to by the Applicant's Response to Requirement for Restriction/Preliminary Amendment filed Feb. 28, 1995.
3. The Applicant cancels claims 1-18,30-32,37,38-46, 50-62 in accordancw with the Examiner's request , without prejudice to the right to include them in a divisional application.

REQUEST FOR RECONSIDERATION

4. The Applicant respectfully requests reconsideration of the Requirement for Restriction which was responded to by Applicant's Reponse to Requirement for Restriction/Preliminary Amendment filed Feb. 28, 1995, which included Applicant's just argument that the unity of invention of *trained pattern recognition means to identify an occupant, part of an occupant, or objects of specific classes and that the identification once made would affect at least one other system*.

5/6. Claims 19, 20, 28, 29, 33, 34, 36 and 47 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ishikawa et al., U.S. Patent 4,625,329.

The Applicant respectfully disagrees. Ishikawa et al. deals with a geometrical/numerical deterministic algorithm seemingly intuitively arrived. Ishikawa searches for a white area in a digital image and, if found, assumes that this must be the face of an occupant. If such white area is not found they try again. If an occupant is looking sideways, is an Sfrican, or if a box or rear-facing child seat, then this is ignored, i.e. they do not consider these possibilities in their algorithm. The reference only dwals with purported human faces facing forward. It does not deal with classes of objects and actual many-different human images, using in all cases a trained pattern recognition machine which was trained on a great magnitude of actual images of humans of

all types, sizes, human variation, and head position, and digital "snapshots" thereof (i.e., looking sidewqays, not caucasian, child, etc.) as well as great magnitudes of data of objects of various certain classes, such as: boxes, shopping bags, dogs, cats, golf bags, luggage, attache cases, and the like.

As noted at application page 5 is the definition of pattern recognition. Further support occurs throughout the specification.

In any event, claims 19 and 28 were amended to specifically distinguish over the ambiguity over the deterministic method of Ishikawa et al. in that the instant invention uses trained pattern recognition machine not a deterministic algorithm. Such machines are magnitudes more complicated than a determinsitic system such as the reference cited. Training results in feature extraction and machine weights determination-- a totally different process which is philosophically opposite to Ishikawa et al.

7/8. Claims 21-27 and 49 were rejected under 35 U.S.C. 103 as being unpatentable over Ishikawa et al. in view of Fujita, U.S. Patent 5,074,583.

Claims assocviated with this rejection have been amended in accordance with the philosophy of the previously discussed rejection paragraph(independent claim 19 amended, independent claim 47 amended). As noted before, Ishikawa et al. is a deterministic algorithm; the instant invention is a trained pattern recognition machine. The claims have been amended to distinguish them and support for trained pattern recognition machine is multiply and well presented in the instant applocation.

As the Examiner states Fujita merely determines an occupant's size and general position. It does not use pattern recognition and can not distinguish between a human and a rear-facing child seat nor an object. It uses information mechanically determined by seat paramter measurements. At best at col. 14, it uses an infrared sensor to detect an intervening item. No image data, let alone pattern recognition machine training is used in Fujita. There is nothing in said reference to suggest any image processing of Ishikawa et al. There is nothing in Ishikawa et al. to suggest its use for air bag restraint systems. Therefore, the combining of these references is a result of impermissible hindsight and is not appropriate. In any event, the appropriate claims have been amended to distinguish over the cited references.

9. Claim 35 was rejected under 35 U.S.C. 103 as being unpatwntable over Ishikawa et al. in view of Yano et al. , U.S. Patent No. 5,125,686.

Yano is a raw position adjusting device for a shoulder belt of a seat assembly. It is totally manually controlled. There is no mention, let alone implication of any automated system of any type for adjusting it. Therefore, combining it with any reference of an automatic system is an impermissible combination based on impermissible hindsight. In any event, the claim has been amended to distinguish over Ishikawa et al.

The Applicant having amended the claims to distinguish over the prior art and to have responded as to why the invention as now claimed is novel and unobvious, the Applicant believes that the application is now in condition for allowance and prays that such Notice of Allowance will be issued in due course.

FOR THE APPLICANT
Respectfully submitted,

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encl.: Request for Extension of Time